

Amendment No. 1 to HB2067

Halford  
Signature of Sponsor

**AMEND Senate Bill No. 2005\***

**House Bill No. 2067**

by deleting Sections 5-7 and substituting instead the following:

SECTION 5. As used in this part:

(1) "Delivered" means transferred to the consumer, either immediately upon sale or at a time thereafter;

(2) "Department" means the department of agriculture;

(3) "Homemade food item" means a food item, including a non-alcoholic beverage, which is produced and, if packaged, packaged at the private residence of the producer;

(4) "Non-potentially hazardous" has the same meaning as defined in the Tennessee Retail Food Safety Act, compiled in chapter 8 of this title;

(5) "Produce" means to prepare a food item by cooking, baking, drying, mixing, cutting, fermenting, preserving, dehydrating, growing, raising, or other process;

(6) "Producer" means a person who produces a homemade food item;

(7) "Seller" means a person who sells a homemade food item to a consumer;

and

(8) "State" means the state of Tennessee and its political subdivisions.

SECTION 6.

(a) The production and sale of homemade food items under this part are exempt from all licensing, permitting, inspection, packaging, and labeling laws of this state.

(b) The exemption under subsection (a) only applies if the following conditions are satisfied:

**House Agriculture and Natural Resources Committee 1**

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(1) The following apply to the sale and delivery of non-potentially hazardous homemade food items:

(A) Non-potentially hazardous homemade food items must be sold either by:

(i) The producer to the consumer, whether in person or remotely, including, but not limited to, a sale by telephone or internet; or

(ii) An agent of the producer or a third-party vendor, such as a retail shop or grocery store, to the consumer;

(B) Non-potentially hazardous homemade food items must be delivered either by:

(i) The producer to the consumer; or

(ii) An agent of the producer, a third-party vendor, or a third-party carrier to the consumer;

(2) The following information must be provided to the consumer, in the format required by subdivision (b)(3):

(A) The name, home address, and telephone number of the producer of the homemade food item;

(B) The common or usual name of the homemade food item;

(C) The ingredients of the homemade food item in descending order of predominance; and

(D) The following statement: "This product was produced at a private residence that is exempt from state licensing and inspection. This product may contain allergens.";

(3)

(A) The information required by subdivision (b)(2) must be provided:

(i) On a label affixed to the package, if the homemade food item is packaged;

(ii) On a label affixed to the container, if the homemade food item is offered for sale from a bulk container;

(iii) On a placard displayed at the point of sale, if the homemade food item is neither packaged nor offered for sale from a bulk container; or

(iv) On the webpage on which the homemade food item is offered for sale, if the homemade food item is offered for sale on the internet;

(B) If the homemade food item is sold by telephone or custom order, the seller need not display the information required by subdivision (b)(2), but the seller must disclose to the consumer that the homemade food item is produced at a private residence that is exempt from state licensing and inspection, and may contain allergens. The seller must have the information required by subdivisions (b)(2)(A)-(C) readily available and provide it to the consumer upon request; and

(4) The homemade food item must not be meat, meat byproduct, meat food product, poultry, poultry byproduct, or poultry food product, as those terms are defined for purposes of the Federal Meat Inspection Act (21 U.S.C. § 601 et

seq.) or the federal Poultry Products Inspection Act (21 U.S.C. § 451 et seq.)

unless the production and sale of the item:

(A) Are within an exemption in 9 C.F.R. § 303.1(d), 9 C.F.R. § 381.10(c), or 9 C.F.R. § 381.10(d)(1); and

(B) Comply with other applicable federal regulations.

## SECTION 7.

This part does not:

(1) Impede the department in any investigation of a reported foodborne illness;

(2) Preclude the production or sale of food items otherwise authorized by law;

(3) Change the regulation of other goods and services where homemade food items are also produced or sold;

(4) Exempt producers or sellers of homemade food items from any applicable tax law;

(5) Exempt producers or sellers of homemade food items from any applicable fishing or hunting law;

(6) Exempt producers or sellers of homemade food items from any applicable federal law, including any federal law prohibiting the sale of food items in interstate commerce; or

(7) Exempt producers or sellers of homemade food items from any applicable law of another state.